

FEDERAL SECURITY AGENCY**FOOD AND DRUG ADMINISTRATION****NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG,
AND COSMETIC ACT**

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3651-3850**FOODS**

The cases reported herewith were instituted in the United States District Courts by the United States attorney acting upon reports submitted by direction of the Federal Security Administrator.

WATSON B. MILLER, *Acting Administrator, Federal Security Agency.*

WASHINGTON, D. C., *March 8, 1943.*

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CEREAL PRODUCTS**FLOUR AND CORN MEAL**

3651. Action to enjoin and restrain interstate shipment of adulterated flour.
U. S. v. Gross Bros., Inc. Consent decree granting perpetual injunction.
 (Inj. No. 32.)

On June 22, 1942, the United States attorney for the District of New Jersey filed a complaint against Gross Bros., Inc., a corporation, Hightstown, N. J., alleging that from on or about July 29, 1941, to the date of filing the complaint the defendant had been preparing, milling, and packing flour under insanitary conditions whereby it became contaminated and filthy and whereby it might have been rendered injurious to health. The complaint alleged further that the flour so packed was adulterated in that it consisted in whole or in part of a filthy substance which was unfit for food; that it was being offered for interstate shipment at various intervals from Hightstown, N. J., to various States within the United States of America; that the defendant had been warned to remedy the defects existing in its methods of operation and had been warned

not to ship adulterated products in violation of the law; and that, despite such warnings, the defendant, its employees, and agents failed to remedy the defects existing in its plant and was continuously manufacturing, milling, and packing adulterated flour and would continue to ship such flour in interstate commerce unless enjoined therefrom. The complaint alleged further that one purpose of the law, i. e., that of prohibiting the movement in interstate commerce of adulterated and misbranded food, would be frustrated unless an injunction was issued and prayed that after proper notice and hearing, a preliminary injunction issue and that after due proceedings, such preliminary injunction be made permanent.

On July 9, 1942, the defendant having consented to the entry of a decree, judgment was entered perpetually enjoining and restraining the defendant and all persons acting upon its behalf from introducing or delivering for introduction in interstate commerce adulterated flour which had been manufactured by or in the future would be manufactured by the defendant.

3652. Adulteration of rye graham flour. U. S. v. 52 Bags of Flour (and 3 additional seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 7406, 7407, 7789, 7790. Sample Nos. 89190-E, 89191-E, 89654-E, 89655-E.)

This product contained rodent excreta, rodent hairs, and insect fragments.

On April 28 and June 19 and 22, 1942, the United States attorneys for the Eastern and Southern Districts of New York filed libels against 186 bags of flour at New York and 10 bags of flour at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about March 12 to on or about June 9, 1942, by Gross Bros., Inc., from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

On May 21, July 7, and August 19, 1942, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

3653. Adulteration of gluten flour. U. S. v. 25 Bags of Gluten Flour. Default decree of condemnation and destruction. (F. D. C. No. 7443. Sample No. 84377-E.)

Samples of this product were found to contain rodent hairs.

On May 1, 1942, the United States attorney for the District of New Jersey filed a libel against 25 bags of flour at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about March 31, 1942, from Watertown, N. Y., by Farwell & Rhines Co., Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Genuine Gluten Flour Criss-Cross Brand."

On July 7, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3654. Adulteration of flour. U. S. v. 86 Bags and 48 Bags of Flour. Default decree of condemnation and destruction. (F. D. C. Nos. 6063, 6064. Sample Nos. 59687-E, 59689-E.)

This product had been stored under insanitary conditions after shipment. Some of the bags had been gnawed by rodents and contained rodent urine stains.

On or about October 27, 1941, the United States attorney for the Western District of Virginia filed a libel against 86 12-pound bags and 48 24-pound bags of flour at Grundy, Va., alleging that the article had been shipped in interstate commerce on or about April 8 and August 26, 1941, from St. Joseph, Mo., and Lawrenceburg, Ind., that it was in the warehouse of the Haysi Supply Co.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Red Top [or "Ruby Rose"] Flour Bleached."

On May 4, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3655. Adulteration of rye graham flour. U. S. v. 20 Bags and 90 Bags of Rye Graham Flour. Default decrees of condemnation and destruction. (F. D. C. Nos. 6040, 6041. Sample Nos. 74524-E, 74526-E.)

These products were contaminated with insect fragments and rodent hairs and excreta.

On October 21, 1941, the United States attorney for the Southern District of New York filed libels against 110 98-pound bags of rye graham flour at New